

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERVAL LICENSING, LLC,

Plaintiff,

v.

AOL, INC., et al.,

Defendants.

LEAD CASE NO. C10-1385MJP

ORDER ON INTERVAL'S
UNOPPOSED MOTION TO SEVER
CLAIMS AND ENTER FINAL
JUDGMENT OF INVALIDITY AND
NON-INFRINGEMENT

This matter comes before the Court on the unopposed motion filed by Plaintiff Interval Licensing LLC to resolve all remaining issues related to U.S. Patent Nos. 6,034,652 (the "'652 Patent") and 6,788,314 (the "'314 Patent"). Having reviewed the motion and the attached exhibits, the Court enters the following ORDER:

- (1) The Court severs Interval's infringement claims with respect to the '652 Patent and the '314 Patent and all counterclaims of Defendants AOL, Inc., Apple, Inc., Google, Inc., and Yahoo!, Inc. ("Defendants") relating to the '652 Patent and the '314 Patent asserted in each of the following actions into new, separate actions, one for each Defendant:

2:10-cv-01385-MJP Interval Licensing LLC v. AOL, Inc.

2:11-cv-00708-MJP Interval Licensing LLC v. Apple, Inc.

2:11-cv-00711-MJP Interval Licensing LLC v. Google, Inc.

2:11-cv-00716-MJP Interval Licensing LLC v. Yahoo!, Inc.

(2) Pursuant to each party's stipulation and based on the Court's claim construction order of December 28, 2012 (Dkt. No. 341), the Court DIRECTS the Clerk to enter final judgment of invalidity of Claims 4-8, 11, 34, and 35 of the '652 Patent and Claims 1-4 and 7-15 of the '314 Patent and final judgment of non-infringement of Claims 15-18 of the '652 Patent.

(3) Having considered the parties' joint contingent stipulation of dismissal, the Court ORDERS that Defendants' counterclaims with respect to the '652 Patent and the '314 Patent are DISMISSED without prejudice and Defendants and each of them individually shall have the right to assert any and all defenses and counterclaims to any claim for infringement of the '652 Patent or '314 Patent in this or any future case.

The clerk is ordered to provide copies of this order to all counsel.

Dated this 12th day of February, 2013.



Marsha J. Pechman
United States District Judge